

Remarks

This Amendment is in response to the final Office Action mailed May 18, 2006 and the Advisory Action mailed September 7, 2006.

The Amendment filed August 18, 2006 was not entered since four additional claims were presented while only three claims were canceled. Accordingly, the present Amendment herein cancels a fourth claim (i.e., four added and four canceled). In view of the same, entry of this Amendment is respectfully requested.

Claims 1, 2, 4-7, 16, 19-39 and 51-71 were pending in this application prior to the Office Action of May 18, 2006. These claims had been subjected to a restriction requirement, and the Examiner has withdrawn from consideration Claims 15, 19-23, 25-28 and 37-39. Without waiving any objection thereto, withdrawn Claims 15, 19-23, 25-28 and 37-39 have herein been canceled.

Claims 1, 2, 4-7, 16, 29-31, 33, 35, 36, 51-59, 65, 67 and 69-71 have been rejected. Claims 24, 32, 34, 60-63, 66 and 68 have been objected to, but contain allowable subject matter.

Claims 6, 24, 32 and 60 have also herein been canceled. Claims 1, 7, 55, 56 and 61 have herein been amended. New Claims 72-75 have herein been added. The additional new claims presented are equal to a corresponding number of claims which have herein been canceled. Care has been taken to see that no new matter has been added and no new issue has been raised.

Specifically, Claim 1 has been amended to incorporate the limitation(s) of allowable Claims 24 and its intervening Claim 6. As such, Claim 1 and its dependent claims are now in condition for allowance. Claim 56 has been amended to incorporate the limitation(s) of allowable Claim 60. As such, Claim 56 and its dependent claims are now in condition for allowance. Claims 7, 55 and 61 have been amended to correct their dependency in view of the

cancellation of the claims made and discussed herein. New Claims 72, 73, 74 and 75 are simply allowable Claims 32, 34, 66 and 68, respectively, rewritten in independent form including all of the limitations of the respective base claim and any intervening claims. As such, new Claims 72-75 are likewise in condition for allowance.

Accordingly, it is respectfully submitted that all claims as presented herein are now in condition for immediate allowance. An early Notice of Allowance is respectfully requested.

This Application now includes six independent claims, and the fee for three independent claims in excess of three has previously been submitted on August 18, 2006. Thus, it is respectfully submitted that no additional claims fees are due. However, the Commissioner is hereby authorized to charge any additional or deficient fees which may be required, or credit any overpayment, to Deposit Account No. 16-0657.

Claims 1, 2, 4, 5, 29-31, 33, 35, 51 and 53 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lazzarotti (US 5,803,704). Claim 6, 16 and 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzarotti as applied to Claims 1 and 53 above, and further in view of Jenkins et al. (US 6,422,806). Claims 7 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzarotti and Jenkins as applied to Claims 1 and 6 above, and further in view of Isaacs et al. (US 6,026,967). Claim 52 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzarotti as applied to Claim 2 above, and further in view of Hendrickson et al. (US 6,241,099). Claim 55 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzarotti and Jenkins as applied to Claim 6 above, and further in view of Mandel et al. (US 5,609,333). Claims 56-59, 64, 65, 67 and 69 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzarotti in view of Jenkins et al. For the following reasons, the Examiner's rejections are respectfully traversed.

Applicants repeat and reallege all of the arguments and remarks presented in the prior Amendment. The stated prior art fails to anticipate and/or make obvious the rejected claims. Lazzarotti, the stated closest prior art, is fundamentally different in both structure and function than Applicants' claimed flats mail autotraying system. This fundamental difference can be seen in the fact that Lazzarotti does not disclose or teach of any means for combining multiple small stacks of mailpieces into a single large stack of mailpieces while maintaining sequence order (Claim 1). Instead, Lazzarotti merely accumulates flat mail pieces as they are singularly provided to a location (see Column 2, lines 57-60, Column 4, lines 59-63, and Figures 1-2). Clearly there are no small stacks of mailpieces being combined into a large stack in Lazzarotti. A single mailpiece is not a stack of mailpieces.

It can then be appreciated that Lazzarotti's apparatus would receive a first single mailpiece on plate 16, a second single mailpiece on top of the first mailpiece, a third single mailpiece on top of the second mailpiece, a fourth single mailpiece on top of the third mailpiece, etc. Thus a sequence of single mailpieces, one through four, would end up in a stack in reverse order with mailpiece four on top, then mailpiece three, then mailpiece two, then mailpiece one on the bottom of the stack (4-3-2-1). Besides multiple small stacks not being combined, sequence order has not been maintained.

To the contrary, in Applicant's system, for example, two small stacks of two mailpieces, (e.g. first stack having mailpiece one on top of mailpiece two, and second stack having mailpiece three on top of mailpiece four) would be combined into a large stack wherein the second stack would be placed under the first stack. This would result in a stack having mailpiece one on top of mailpiece two, which is on top of mailpiece three, which is on top of mailpiece four (1-2-3-4). Thus, sequence order has been maintained.

If for some unidentified reason these same small stacks were fed to Lazzarotti's apparatus, the second stack would be placed on top of the first stack, resulting in a stack having mailpiece three on top of mailpiece four, which would be on top of mailpiece one on top of mailpiece two (3-4-1-2). Again, sequence order would not be maintained. Accordingly, Lazzarotti clearly fails to anticipate Applicant's claimed means for combining multiple small stacks of mailpieces into a single large stack of mailpieces while maintaining sequence order (Claim 1). This fundamental difference is common to and extends throughout all of the claims rejections. For this reasons, *inter alia*, and for the reasons previously presented, the stated rejections clearly fail to anticipate and/or make obvious the rejected claims.

Nonetheless, in the interest of passing this Application to immediate allowance, Applicants have amended the claims as discussed above to place them in condition for immediate allowance. An early Notice of Allowance is respectfully requested.

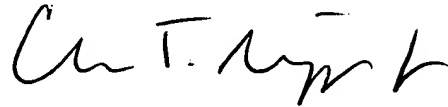
Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicants. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A Petition for an Extension of Time to make this Amendment timely is respectfully requested. Enclosed herewith is the Petition and a form PTO-2038 in payment thereof. The Commissioner is hereby authorized to charge any additional or deficient fees which may be required, or credit any overpayment, to Deposit Account No. 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

PATULA & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "Charles T. Riggs Jr.", with a stylized flourish at the end.

Charles T. Riggs Jr.

Reg. No. 37,430

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